

# **CZECH REPUBLIC 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Czech Republic is a multiparty parliamentary democracy. Legislative authority is vested in a bicameral parliament, consisting of a Chamber of Deputies and a Senate. The president is head of state and appoints a prime minister and cabinet ministers. Voters elected representatives to the Chamber of Deputies in October 2021 and re-elected President Milos Zeman to a second five-year term in 2018. The most recent elections, for one-third of the seats in the Senate, were held in two rounds in September and October. Observers considered the elections to be free and fair.

The national police report to the Ministry of Interior and are responsible for enforcing the law and maintaining public order, including protecting the border and enforcing immigration law. The General Inspectorate of Security Forces reports to the Office of the Prime Minister and is responsible for investigating allegations of misconduct involving police, customs officials, fire fighters, and the prison service. The General Inspectorate of Security Forces inspectors investigated allegations of criminal misconduct and carried out sting operations to catch violators in action. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: lack of accountability for gender-based violence, including domestic or intimate partner violence and sexual violence; crimes involving threats of violence against members of minority groups, mainly Roma; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were two reports that the government or its agents committed arbitrary or unlawful killings. The General Inspectorate of Security Forces or Military Police investigate whether security force killings were justifiable and pursue prosecutions.

In May the deputy ombudswoman released the results of her investigation into the June 2021 death of a Roma man while or after he was restrained by several police officers, which confirmed the cause of death was not police intervention but that the police officers had made several mistakes, including waiting too long to call an ambulance. She also found contradictions in the testimonies of the emergency medical responders and police regarding the condition of the man. According to videos that appeared on social media, police officers knelt on the man's back and neck while he was prostrate. High-level officials, including then Prime Minister Andrej Babis and then Interior Minister Jan Hamacek, spoke out in support of police on social media and criticized the victim's reported behavior and substance abuse. The General Inspectorate of Security Forces (GIBS) investigated and concluded in March the police officers' behavior did not rise to the level of a felony, and that it had not been proven that their intervention was related to the death, the cause of which was, according to an expert forensic opinion, heart failure resulting from intoxication with methamphetamine.

In June 2021, the Military Police recommended that a prosecutor bring charges against four unidentified members of the army's 601st Special Forces Unit. The recommendation was based on the investigation of a 2018 interrogation and subsequent death of an Afghan commando. The soldiers and the victim were engaged in the NATO mission in Afghanistan, and the soldiers reportedly interrogated the victim after he killed a Czech soldier. According to media reports, military police recommended charging two of the four accused soldiers with the wrongful use of force and failure to follow orders, and the other two soldiers with not providing assistance and violating the rules of military conduct. The case remained pending at the end of the year.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The law prohibits such practices, but there were credible isolated reports of inhuman treatment by police and prison guards. As of January 1, the use of cage beds, which was previously prohibited by decree, also is prohibited by law.

In its 2021 annual report, the ombudsman again recommended amendments to laws regulating the treatment of persons in detention facilities. The report highlighted that some less serious forms of “ill-treatment” (mistreatment) were not punishable, and that persons in some facilities that impose restrictions on movement (e.g., psychiatric institutions, senior homes) do not have access to an independent investigative body.

In September, the Health Ministry published a report evaluating the quality of provided care conducted four years ago, based on visits to 18 psychiatric facilities throughout the country. During one visit, the inspection team came across the case of a young woman who, according to staff, had been tied to her bed for 12 years essentially without interruption. The ombudsman confirmed that following the inspection the hospital eliminated the practice of long-term binding of individuals receiving treatment. Police were investigating the case as suspected torture and inhuman treatment, but no information on the status of the investigation was available at the end of the year.

Impunity was not a significant problem in the security forces.

Observers reported a serious deterioration of the financial situation of persons with debts serving prison sentences due to court decisions requiring preexisting debts of these individuals to be deducted from payments and pensions they were due to receive. As a result, prisoners with debts often had insufficient funds to purchase daily hygienic items, medicine, or telephone calls to family members.

During the year, GIBS charged seven prison guards with torture and other inhuman

and cruel treatment related to two separate incidents in May 2020 and March 2021. As of the end of the year, it had not concluded whether these two cases were caused by systematic failures. GIBS prosecuted five police officers and 25 members of the prison service for using disproportionate force and four instances of inhuman handcuffing. This was a significant increase from the previous year, especially among prison guards.

In January, GIBS initiated the prosecution of eight guards from the Valdice prison for abuse of official authority. In May 2020, six of these guards entered a prisoner's cell to conduct a search and allegedly forced the prisoner to disclose the possession of unauthorized items through physical coercion. They allegedly punched him in the face, broke his leg, and intentionally inhibited his breathing. The six guards were accused of physically assaulting prisoners in their cells on two occasions, and two others were accused of willfully ignoring these abuses.

### **Prison and Detention Center Conditions**

The most significant concerns regarding prison conditions included overcrowding, poor sanitary conditions in some prisons, mistreatment of inmates, continued lack of medical staff, lack of support programs and services inside prisons, and generally unsatisfactory conditions for inmates with physical or mental disabilities.

**Abusive Physical Conditions:** Prison overcrowding remained a problem. On average, facilities for prisoners were at almost 95 percent capacity in the first eight months of the year, the same as in 2021. Observers noted a decrease in the number of imprisonments as a result of more frequent use of alternative sentences. Several prisons remained at more than 110 percent capacity.

According to the prison service, there were 49 deaths in prisons and detention facilities in 2021, compared with 41 in the preceding year. All cases were investigated. There was a decrease in deaths from suicide, with 13 cases reported in 2021, compared with 19 in 2020.

The ombudsman's report for 2021 noted that many types of detention centers had significant problems related to social isolation and restrictions on movement due to COVID-19 pandemic measures. Most restrictions were removed during the year. The ombudsman also highlighted intrusive restraining measures of patients in

psychiatric departments and inadequate privacy measures during health examinations.

**Administration:** Specialized public prosecutors are responsible for regular prison visits, which the ombudsman cited as a useful tool for monitoring conditions. The ombudsman investigated credible allegations of inhuman conditions and made random checks. Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted independent monitoring of prison conditions by local and international human rights groups, including the European Committee for the Prevention of Torture, and media.

**Improvements:** The prison service prepared new rules on improved documentation of accidents to preserve evidence of potential violence and mistreatment of detainees. Due to the COVID-19 pandemic, virtual visits using videoconferencing programs became more frequent.

In November, the Probation and Medical Service opened a facility where experts helped parolees return to normal life, with the intent to reduce the risk of recidivism. Under the supervision of probation officers, selected inmates sought to secure jobs and housing, and to reintegrate socially.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

##### **Arrest Procedures and Treatment of Detainees**

In most cases, police use judicial warrants to arrest individuals accused of criminal acts. Police may make arrests without a warrant when they believe a prosecutable offense has been committed, when they regard arrest as necessary to prevent further offenses or the destruction of evidence, to protect a suspect, or when a person refuses to obey police orders to move.

Police must refer individuals arrested on a warrant to a court within 24 hours. A

judge has an additional 24 hours to decide whether to continue to hold the individuals. For suspects arrested without a warrant, police have 48 hours to inform them of the reason for the arrest, question them, and either release them or refer them to a judge who must decide within 24 hours whether to charge them. Authorities may not hold detainees for a longer period without charge.

The law provides for bail except in cases of serious crimes or to prevent witness tampering. A defendant in a criminal case may request a lawyer immediately upon arrest. If a defendant cannot afford a lawyer, the government provides one. The court determines whether the government partially or fully covers attorney's fees. Authorities generally respected these rights.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. In most instances, authorities respected court orders and carried out judicial decisions.

In November 2021, the Prague Municipal Court found Judge Ivan Elischer of the High Court in Prague guilty of abuse of authority, accepting bribes, unauthorized access to the computer system, and embezzlement, and sentenced him to nine years of imprisonment. According to the indictment, Elischer allegedly reduced sentences in drug trials in exchange for bribes and increased sentences in other cases out of revenge. Elischer appealed the decision. The case was pending at the High Court in Olomouc at the end of the year.

In June, the European Court of Human Rights (ECHR) ruled that the country violated the right to a fair trial because the disciplinary panel of the Supreme Administrative Court, which conducts disciplinary proceedings against judges, prosecutors, and bailiffs, did not meet the ECHR's parameters for independence and impartiality. Moreover, decisions of this court cannot be appealed. The binding ECHR ruling obliges the government to address these issues. The government did not take any action during the year.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and the judiciary generally

enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The constitution provides for a separate, independent judiciary in civil matters and for lawsuits seeking remedies for human rights violations. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct. Nongovernmental organizations (NGOs) reported increased coherence between criminal and civil procedures that simplified the process for victims, although remedies and relief required a lengthy legal process and were difficult to obtain, particularly for members of disadvantaged groups such as the Roma or trafficking victims. Plaintiffs may appeal unfavorable rulings that involve alleged violations of the European Convention on Human Rights to the ECHR. Administrative remedies are also available; however, many victims of violence did not seek remedies in civil courts following criminal trials because civil procedures require facing the perpetrator and recounting traumatic experiences.

The law recognizes children, persons with disabilities, victims of human trafficking, victims of sexual and brutal crimes, and victims of domestic violence as the most vulnerable populations and lists the rights of crime victims, such as to claim compensation and access to an attorney. Observers reported underfunding for legal services to victims by the Ministry of Justice.

### **Property Seizure and Restitution**

The government has laws and mechanisms in place for some restitution of private and religious property confiscated during the Nazi occupation or the Communist era. The government did not make significant progress on restitution claims during the year, however, including for foreign citizens. Areas posing significant issues include the disposition of heirless Holocaust-related property and complex cases involving noncitizens. Although it was still possible to file claims for artwork confiscated by the Nazis, the claims period for other types of property had expired.

By law, religious groups receive an annual installment of the total sum of Czech Koruna (CZK) 59 billion (\$2.6 billion) to be paid over a 30-year period in compensation for property seized during communism that cannot be returned.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the members of the media. The law provides for some limitations to this freedom, including in cases of hate speech, Holocaust denial, and denial of Communist-era crimes.

**Freedom of Expression:** The law prohibits speech that incites hatred based on race, religion, class, nationality, or other group affiliation. It also limits denial of the Holocaust and communist-era crimes. Individuals who are found guilty can serve up to three years in prison. The law is also applied to online, print, and broadcast media.

On June 24, the senate adopted a resolution sharply condemning remarks the ombudsman had posted online in January in which he said some Roma had problems with housing not only due to discrimination, but also because they “destroy the housing stock and transform parts of communities into excluded



localities.” The senate resolution called the ombudsman’s remarks xenophobic and prejudicial, and said they could deter discrimination victims from seeking assistance. The European Commission also criticized the ombudsman’s statements. The ombudsman, in turn, criticized the senate resolution and called it an attempt to limit his freedom of speech.

In July, a mayor was expelled from the Mayors and Independents party for speaking about shooting Roma individuals during a city council meeting in June. Discussing a 2001 traffic accident allegedly caused by dogs, the mayor insinuated to police that the Roma man who owned the dogs should be shot. Police charged the mayor in July for incitement of hatred. The prosecutor later conditionally suspended the criminal prosecution because the mayor confessed to the crime, apologized repeatedly, and sent financial gifts to the victims.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Independent media were active and expressed a wide variety of views. President Zeman, his spokesperson, and political parties on the far right and left publicly alleged bias in both public and private media outlets. The Freedom and Direct Democracy Party, the Communist Party, and to a lesser degree the ANO Party openly sought to appoint politically polarizing figures to public media supervisory boards, raising concerns they were attempting to violate the political neutrality of these institutions. Observers raised concerns regarding the new members based on their public remarks that evinced skepticism of the need for independent media.

The law prohibits elected officials from controlling media entities while in office; however, former Prime Minister and current Member of Parliament Andrej Babis, whose company, Agrofert, owned two prominent newspapers and other media outlets, placed control of these assets into trust funds in 2017. Observers maintained this measure did not insulate these media properties from the political influence of the government.

In July, a European Commission report criticized the lack of transparency in press ownership in the country. The report recommended strengthening public media governance and editorial independence.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. At the end of February, the country's domain administrator temporarily blocked eight known pro-Kremlin propaganda outlets following consultations with government officials. After three months, the domain administrator restored access to the sites in the absence of a legal order to continue blocking them.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

The country received more than 470,000 refugees following Russia's February 24 full-scale invasion of Ukraine, increasing the country's population by nearly 4 percent in the span of several months. At the end of the year, the country remained a preferred destination for refugees due to its proximity to Ukraine, its prewar diaspora of approximately 200,000 Ukrainians, and its shared linguistic, cultural, and historic ties with Ukraine.

**Access to Asylum:** The law provides for the granting asylum or refugee status, and the government has an established system for providing protection to refugees and other endangered foreign nationals. Some NGOs claimed statements from political leaders discouraged some refugees from seeking asylum. The administrative procedure for granting international protection is carried out by the Ministry of the Interior in the first instance. An asylum seeker may file a lawsuit against the Ministry's decision with the relevant regional court and subsequently appeal the court decision with a cassation complaint at the Supreme Administrative Court. An NGO claimed that single men from the West Bank and Gaza, Afghanistan, and Turkey (Türkiye) were sometimes denied entry into the country without being advised of their legal options and access to asylum. The government's Foreign Police service provides each person seeking international protection at the Prague airport (the country's only non-EU point of entry) with an informational leaflet available in several languages. The checkpoint at the airport through which all non-Schengen arrivals must pass also contains a UNHCR poster in several languages informing passengers of the right to seek international protection.

The Ministry of Interior stopped funding NGOs providing legal assistance to migrants and instead funded a private law firm to provide these services. NGOs objected to the decision, claiming the assistance provided by the law firm was insufficient. NGOs also reported difficulty accessing the detention facility at the Prague airport and criticized the length and substance of some asylum claims decisions.

**Durable Solutions:** The government generally rejected requests within the EU Relocation Scheme to accept designated numbers of refugees and asylum seekers.

A national integration program managed by the government in close cooperation with UNHCR and NGOs continued. Under the State Integration Program, beneficiaries of international protection are entitled to temporary accommodation, social services, language training, and assistance with finding employment and permanent housing. Children are entitled to education. The Ministry of Interior started its own assisted voluntary return program in 2017 and effectively used it to help individuals return to their country of origin.

**Temporary Protection:** The government provided temporary protection to some individuals who may not qualify as refugees and provided it to approximately 470,000 persons.

In response to Russia's full-scale invasion of Ukraine, the government offered extensive support to refugees from Ukraine. The government provided temporary protected status to more than 470,000 refugees from Ukraine, granting them access to housing, labor, education, health care, and other social benefits, including a CZK 5,000 (\$200) humanitarian benefit per person per month. The benefits were granted under a law that entered into force on March 21 and applied retroactively.

The government also provided financial support to its citizens who provided accommodation to refugees from Ukraine.

#### **f. Status and Treatment of Internally Displaced Persons:**

Not applicable.

#### **g. Stateless Persons**

The Ministry of Interior reported 503 stateless persons in the country at the end of 2020, the most recent statistics available. UNHCR listed 1,626 persons as stateless in its 2021 statistics for the country, including refugees, asylum seekers, and those with long-term visas or permanent residence. The ministry reported that three stateless persons were granted asylum or subsidiary protection in 2021.

Local NGOs reported that applicants for stateless status generally had no access to temporary identity documents that could be used in daily life, depriving them of the possibility to access immediately the housing, employment, education, and health care to which they were entitled under the law while waiting for their permanent identity documents to be issued. This often complicated their access to the status determination procedure, as authorities refused to give them the necessary correspondence.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in

free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

## **Elections and Political Participation**

**Recent Elections:** Elections for one-third of the seats in the Senate were held in two rounds in September and October. Voters elected representatives to the Chamber of Deputies (lower house of parliament) in October 2021. In 2018, voters re-elected Milos Zeman to a five-year term as president in the country's second direct presidential election. Observers considered all elections free and fair, and there were no reports of significant irregularities. In connection with September local elections, NGO representatives reported suspicions of candidates buying Roma votes and influencing elections, especially in poor areas of the Usti region. Individuals allegedly were offered CZK 300 (\$12) per vote. Police received and were investigating several reports in connection with the elections. The investigations were pending at the end of the year.

**Participation of Women and Members of Minority Groups:** No law limits the participation of women or members of minority groups in the political process, and they did participate. Nevertheless, participation by women and minority groups in elected bodies remained low in comparison to their estimated percentage of the population. Three out of 17 cabinet ministers were women. For the first time, more than 30 percent of candidates running in the parliamentary elections were women. As a result of the 2021 parliamentary elections, 51 of the 200 members of the Chamber of Deputies were women, representing an increase from 23 percent in the previous session to 25 percent. As a result of the September senate elections, 15 of the 81 members of the senate are women, compared with 12 in the previous term. The overall representation of women in the senate increased from 14.8 to 18.5 percent. The representation of women in local politics increased by 1 percent, to 29 percent, after the September local elections.

Roma participation in politics and governance remained low in comparison to their estimated percentage of the population. There were no Roma members of parliament, cabinet ministers, or Supreme Court judges. Roma were elected to 13 seats (out of 62,000) in local governments in the September elections, the same number as in the previous election four years ago. Roma received one seat (out of

675) in regional government elections in 2020.

There were only six Roma candidates and one Czech-Vietnamese candidate in the October 2021 parliamentary elections out of total of 5,260 candidates. There was only one Roma candidate out of total 173 candidates in senate elections in September.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption. Several high-level political figures were under investigation in various regions for manipulating public contracts and abuse of official power.

NGOs indicated that annual meetings of the government's anti-corruption council were an effective platform for NGOs to share their priorities, opinions, and concerns with the government; however, NGOs expressed concern that anti-corruption efforts were not high on the government's agenda.

Corruption remained a problem among law enforcement bodies and at various levels of bureaucracy. The most common forms of corruption included: leaking information for payments; the unauthorized use of law enforcement databases, typically to search for derogatory information; acceptance of bribes in connection with criminal proceedings and other procedures (e.g., issuance of permits); and unlawful influencing of law enforcement procedures.

Observers criticized the tenuous position of principal prosecutors, whom the government could remove from office without cause. Observers also criticized the continued lack of legal protections for whistleblowers and regulations on lobbying.

The government took some steps to implement its fifth *Open Government Partnership* action plan, which contains commitments to anonymize online publication of lower court decisions, implement whistleblower protections, provide open data to enable public monitoring of the quality of education, increase civil society participation in government processes, and increase online transparency on

the use of public funds.

**Corruption:** In July the European Commission released its third annual rule-of-law report, in which it criticized the country for high-level corruption cases and the slow speed of those investigations.

In July, the European Commission closed its audit process regarding the conflicts of interest of former Prime Minister and current Member of Parliament Babis. The audit concluded that Babis had a conflict of interest due to his concurrent ownership of Agrofert and position as the prime minister, despite the 2017 placement of Agrofert assets into trust funds. In June, the European Commission announced a fine of more than CZK 85 million (\$3.4 million), which the country must pay for errors in agricultural subsidies, including a sanction for the conflicts of interest of the former prime minister. Consequently, the Ministry of Industry and Trade initiated administrative proceedings to reclaim CZK 100 million (\$4 million) in subsidies from Agrofert's bakery, Zelena Louka, for a production line that did not meet the innovation criteria. The government announced plans to reclaim other subsidies via respective ministries with the expectation that some proceedings may end up in the courts.

The courts began proceedings in September in a separate criminal case against Babis. On March 23, a prosecutor charged Babis and an associate with improperly receiving investment subsidies from the EU for a development project. Babis allegedly temporarily transferred the Stork's Nest conference complex from his Agrofert conglomerate to family members to qualify for EU subsidies in 2007. A criminal proceeding was initiated in 2016, dismissed by the prosecutor in 2019, and reopened later that year by the country's top prosecutor. The case was pending as of the end of the year.

In June, police initiated an investigation of a group of politicians, managers, and lobbyists, including former Prague Deputy Mayor Petr Hlubucek, who allegedly influenced public contracts and the operation of the state-owned Prague transportation company. As a result of this investigation, the minister of education resigned on June 15. The investigation was pending at the end of the year.

In September, a court sentenced a deputy mayor of the Brno area to nine-and-one-

half years of imprisonment; seven other officials and two companies also were sentenced for the same crime. They were found guilty of corruption and manipulating public contracts totaling CZK 47 million (\$2 million).

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views, although some politicians disparaged NGOs in public remarks.

**Government Human Rights Bodies:** The Office of the Government has a commissioner for human rights as well as several advisory and working-level bodies related to human rights, including the Government Council for Human Rights, the Council for Roma Minority Affairs, the Council for National Minorities, and the Board for Persons with Disabilities. The Governmental Council for Coordination of the Fight against Corruption was placed under the Ministry of Justice, and the Agency for Social Inclusion was placed under the Ministry of Regional Development.

The Ombudsman's Office operated without government or political party interference and had adequate resources. The Ombudsman's Office issued quarterly and annual reports to the government on its activities in addition to reports and recommendations on topics of special concern. Human rights observers generally regarded the Office of the Ombudsman as effective. The ombudsman, however, was criticized by NGOs, the Roma community, and some politicians, who contended he had publicly downplayed the extent of discrimination faced by Roma and other minorities. Moreover, the ombudsman was criticized for dismissing the deputy ombudswoman from her official duties due to their disagreements on his statements and priorities. This led her to resign in August. Observers stated that such events may have a negative impact on public trust in the institution and the willingness of citizens to file complaints, especially related to discrimination. In addition to the ombudsman, the country has



ombudspersons for the security forces and for education.

Newly approved government strategies on Roma issues and children require the establishment of a commissioner and rights defender, respectively. In December, the government appointed the first-ever Roma commissioner, which observers viewed as a positive step. The children's rights defender position was not established during the year, but the government actively discussed how best to establish such a position.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law prohibits rape, including of women and men, including spousal rape, as well as domestic or intimate partner violence, and provides for a penalty of two to 10 years in prison for violations, with longer sentences in aggravated circumstances. Although the government enforced the law effectively, some police officers and judges implicitly condoned gender-based or domestic violence.

NGOs called for revising the definition of the crime of rape to focus on the victim's lack of consent and not on evidence of violence. Women's advocates pointed out that rape survivors who do not resist rape out of fear for their life or safety often lack evidence that both the investigators and the courts typically required (e.g., bruises, bleeding, and other injuries).

In April, a court decided a woman had not been raped by her partner. The woman had told her partner she did not want to have sex with him but had then said "okay, rape me" after the man insisted. The court decided the behavior fulfilled all indicators of a rape; however, it could not be classified as rape due to the given consent of the victim based on the country's criminal definition of rape.

Observers reported prosecutors and judges in rape cases sometimes lacked knowledge on the subject and cited a shortage of experienced judicial experts. Penalties were often low, and only half of all sentences included prison time.

Perpetrators of spousal rape, including brutal attacks, were frequently given

inadequate sentences, including probation. Observers acknowledged that conditional sentences were more often correctly combined with restraining orders that effectively protected victims from perpetrators.

NGOs cited a continued lack of funding as a constraint on their ability not only to lobby for equal opportunities for women and men, but also to provide other services to sexually abused women or survivors of domestic violence. NGOs highlighted that organizations providing pro bono assistance to survivors could no longer access Ministry of Justice funds to cover the costs of those services.

Domestic violence is punishable by up to four years in prison, with longer sentences in aggravated circumstances. Police have the authority to remove violent abusers from their homes for 10 days. The law states a removal order can remain in effect for a total of up to six months, including extensions. The government generally enforced the law effectively.

The government supported shelters and NGOs working with survivors. It also funded a widely used hotline for gender-based violence crimes, including domestic violence. The government continued training police officers on responding to domestic violence. It also contributed to the creation and use of a mobile app and website financed by Vodafone Foundation that provided practical support and information on how to respond to domestic violence.

A research report released in April by the Institute of Sociology of the Academy of Sciences and the NGO ProFem showed that the system of assistance to survivors of domestic violence and violence between partners was fragmented and individual services were not linked. The report found cases were often downplayed, and only physical outbursts were considered serious; solutions were complicated due to the lack of housing for victims; and prevention was underfunded.

**Sexual Harassment:** The law prohibits sexual harassment and treats it as a form of direct discrimination. Although the government generally enforced the law effectively, approximately one-third of women in a 2021 survey reported instances of verbal harassment and nonconsensual touching. If convicted, penalties may include fines, dismissal from work, and up to eight years in prison. Police often delayed investigations until the perpetrator committed serious crimes, such as

sexual coercion, rape, or other forms of physical assault.

In reaction to numerous cases of sexual harassment, sexism, and abuse of power previously reported by university students, many universities established an ombudsperson position in 2021 and during the year. While specific mandates varied, generally the universities charged the ombudsmen with investigating cases of unequal treatment of students and staff and improving the academic environment through education on sexual harassment and discrimination. Offenders convicted of stalking may receive sentences of up to three years in prison.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Transgender individuals are required to be sterilized to obtain gender altering surgery or receive legal gender recognition (see Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics).

In 2021, the government passed legislation to compensate women who were involuntarily sterilized between 1966 and 2012. Under the law eligible women are entitled to compensation of CZK 300,000 (\$14,000). According to estimates, there were approximately 400 women, primarily Roma, who were sterilized without their knowledge or full and informed consent during that period and were eligible for compensation. Observers claimed, however, that implementation of the law was problematic. The main problem was noncompliance with the 60-day legal deadline and nonrecognition of evidence other than medical records despite being permitted under the law. As of August, 261 applications were submitted but only 74 cases had been decided; of those, only 35 received a positive determination. In August, a group of sterilized women sent an open letter to the prime minister and health minister calling on the government to ensure a more effective compensation process and greater cooperation between the authorities that assess applications and experts working on the topic. In November, a court in Prague ruled the government, specifically the Ministry of Health, must help applicants for compensation to prove their claims.

Individuals had access to safe, effective, and affordable methods of family planning and contraception. The government does not allow women access to artificial insemination if using the cells of an anonymous donor without the written consent of their partner, and medical providers can use artificial insemination only for opposite-sex couples. Unmarried persons, persons who do not have consent from a partner, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons are ineligible to receive treatment.

Women had access to health-care services for pregnancy and childbirth and to provide parents with the best chance of having a healthy infant. Some observers reported that Roma women faced obstructions in access to health care in general, including to reproductive health care.

The government provided access to sexual and reproductive health services for survivors of sexual violence as well as access to emergency health care, including services for the management of complications arising from abortion. Emergency contraception was available, but women had to cover the costs of emergency contraception themselves.

**Discrimination:** The law grants men and women the same legal status and rights, including under family, religious, personal status, labor, property, nationality, and inheritance laws. Women sometimes experienced employment and wage discrimination, which affected Roma women in particular. The government generally enforced the law effectively.

The government acknowledged the country continued to lag behind other EU member states in gender equality. Observers cited obstacles to achieving gender equality, including women holding most household and childcare responsibilities and professional and societal stereotypes.

On September 1, the Ministry of Labor and Social Affairs began accepting applications for a CZK 500 (\$20) monthly payment to individuals who took parental leave. The government policy was aimed at reducing the old-age pension gap between men and women caused by the use of parental leave, which results in women typically having fewer years of service.

There were NGO reports of alleged hate crimes, including hate speech, targeted at

women based on gender, which were not taken seriously or handled adequately by police and the courts. In March, the Constitutional Court ruled that long-term harassment through hateful messages must not be trivialized, and serious cases of violations of privacy and human dignity should be dealt with by criminal courts. This ruling was related to a case in which the director of a leading NGO focusing on hate crimes received repeated death threats and emails containing sexually explicit content. Earlier legal proceedings had not provided the individual with compensation or led to criminal charges against the perpetrator. Most of the cases had been dealt with by misdemeanor courts.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibits discrimination and hate speech against members of racial and ethnic minority groups. The government generally enforced the law effectively. The situation of the Roma minority remained one of the country's most pressing human rights problems. Despite partial successes, marginalization, social exclusion, and territorial segregation of some Roma continued. Moreover, Roma faced daily prejudice, intolerance, and discrimination in education, housing, and employment.

In the first half of the year, the ombudsman recorded 13 complaints alleging discrimination on the grounds of race or ethnic origin, of which eight were on the grounds of Roma origin/Roma ethnicity. Observers confirmed the number of complaints alleging discrimination against Roma was lower compared with previous years, which they said could be explained by lower trust in the Ombudsman's Office by Roma due to the ombudsman's controversial statements or because of Russia's war against Ukraine, which shifted the attention of many extremist anti-Roma groups toward the Czech Republic's support for Ukraine and the energy crisis (see section 2.a.).

In September, the director of a housing cooperative published an apology for defamatory statements made about a Roma woman who was a member of the government Roma council. In May 2021, the district court in Most ordered the director to issue the apology and to pay compensation of CZK 50,000 (\$2,000) to the Roma woman after he insulted her in the media.

Approximately one-third of Roma lived in socially excluded communities and continued to face difficulties obtaining both public and private housing. This occurred despite the 2021 Constitutional Court annulment of a 2017 amendment to the law addressing poverty that some municipalities used as a tool to push Roma and other low-income citizens to the peripheries of cities. Securing housing was also a problem for Roma who fled Ukraine following Russia's full-scale invasion (see section 1.e.).

Reports published by PAQ Research estimated approximately one-third of Roma refugees from Ukraine had encountered intolerance in the country, and every sixth Roma refugee had experienced discrimination from government authorities.

The Mayor of Bilina openly refused the government's request to provide housing to Roma children younger than 14 and their female relatives in a privately owned apartment building or anywhere else in the town. The mayor called the children and women of Roma origin "inadaptables."

In June, the ombudsman issued a recommendation for municipalities not to deny housing requests for Roma refugees from Ukraine based solely on their ethnic origin. The ombudsman said that if municipalities refused to accommodate such refugees in state facilities because of ethnicity, it might be an incitement to discrimination. Some municipalities responded by providing accommodation to Roma refugees from Ukraine.

The ombudsman investigated the functionality of the regional coordination centers responsible for assisting refugees from Ukraine (KACPU). Based on a review of the regional registration center in Prague, the ombudsman found that Roma arriving from Ukraine were treated differently than other refugees. The ombudsman also investigated the case of a Roma mother with three children who did not have accommodation and was not allowed by the Brno KACPU to apply for temporary protected status. The ombudsman recommended that everyone must be able to submit a request for temporary protection, regardless of whether they have accommodation.

The government took some steps to mitigate discrimination against Roma by appointing the first-ever Roma commissioner, by addressing poverty with special

financial support to families with low incomes, and by educating the public and promoting Roma culture and heritage. The government continued to fund the establishment of a new Roma cultural center in Prague in a property donated to the Museum of Roma Culture by the Ministry of Culture in 2021. The government also funded the demolition of a communist-era pig farm at the site of a World War II concentration camp for Roma in the town of Lety, which began in July.

## **Children**

**Birth Registration:** Children derive citizenship from their parents and not by birth within the country's territory. Any child with at least one citizen parent is automatically a citizen. There were no reports of denial or lack of access to birth registration on a discriminatory basis. Authorities registered births immediately.

**Education:** Insufficient language support to school children who do not speak Czech as their first language increased with the rising number of foreigners residing in the country; however, the government made efforts to hire Ukrainian support staff and teachers to lead special groups for Ukrainian pupils. The government ensured Ukrainian children could attend obligatory basic education. It was difficult, however, for Ukrainian refugees to enroll in secondary schools with only a quarter attending secondary school in the country. More than half received online instruction from Ukraine, and the remaining 19 percent received no schooling. Of the 67,000 Ukrainian children who were registered at schools in the country, approximately 10,000 did not start the school year. In an effort to improve the situation, in November the Czech and Ukrainian governments signed an education cooperation agreement that provides mutual recognition of each state's education programs.

School segregation of Roma children remained a problem. Following the 2007 judgment of the ECHR in *D.H. and Others v. Czech Republic*, the government is obliged to prevent the inappropriate placement of Roma into segregated schools, and to integrate them into schools with the general population. Children who attended segregated schools were found to have lower academic attainment and fewer employment opportunities due to the lower quality of education and decreased social integration.

In September, the ECHR announced an out of court settlement after six years under which the government agreed to pay CZK 100,000 (\$4,000) to a Roma man who was represented by the European Roma Rights Center for placing him in a special school in 1985 on the grounds of his Roma origin. The government was given three months to pay.

Despite legislative changes in 2016 to expand the use of inclusive education, the situation improved only slightly. Observers criticized the continued use of a controversial diagnostic tool for children's mental and intellectual abilities and a ministerial decree that limits the use of supporting measures and assistants. According to a survey issued by the ombudsman in May for the 2020-21 school year, 25.3 percent of the total number of primary school students who attended segregated programs were Roma (compared with 24.2 percent in the previous school year); Roma students comprised 3.6 percent of the total primary school population.

Observers praised the government for offering free lunches at preschool education facilities, as parents' inability to pay for lunches was often the main reason Roma children did not attend preschool programs.

**Child Abuse:** Prison sentences for persons found guilty of child abuse range from five to 12 years. The law requires citizens to report suspected cases of child abuse.

The government actively focused on combating and preventing child abuse during its presidency of the Council of the European Union and initiated several new activities during the year. In October, the Ministry of Interior funded research to determine whether child abuse in the country following the COVID-19 pandemic was still more prevalent among socially excluded families, households suffering from poor communication and stress, households inhabited by persons addicted to substances or gambling, foreigners and ethnic minorities, children of juvenile parents, young single mothers and other disadvantaged persons, and children who were homeless or disabled. The ministry also launched activities to improve the effectiveness of the national system of early intervention for children to improve communication and interventions of regional and local institutions. In May, a court sentenced a social worker from Prague to a five-month conditional sentence for failing to attempt to see a Roma girl, age six, who was declared missing in



2017, during repeated visits to the girl's place of residence. The social worker was forced to resign from her position.

**Child, Early, and Forced Marriage:** The minimum legal age for marriage is 18. The law allows for marriage at the age of 16 with court approval.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation of children and the possession, manufacture, and distribution of child pornography, which is punishable by imprisonment for up to eight years. The minimum age for consensual sex is 15. Sexual relations with a child younger than 15 are punishable by a prison term of up to 12 years, or more in the presence of aggravating circumstances. The law prohibits all forms of trafficking and prescribes punishments of two to 10 years in prison for violations, with longer sentences in the presence of aggravating circumstances. The most frequent cases involved distribution of child pornography. These laws were generally enforced.

In May, a foreign national, who had previously been sentenced based on evidence collected during the filming of the *In the Net* documentary to 15 months in prison for contacting an underage girl on the internet, tried to arrange a personal meeting with her. The court sentenced him to an additional nine months of imprisonment for similar behavior and attempts to spread pornography, abusing a child for its production, establishing illicit contact with a child, and endangering her upbringing.

**Displaced Children:** The International Protection of Children Agency reported 140 unaccompanied children from Ukraine fled to the country as refugees as a result of Russia's war in Ukraine. The Ministry of Labor and Social Affairs reported there were a total 30,000 displaced children from Ukraine in the country, including those who arrived with individuals other than their parents.

**Institutionalized Children:** More than 6,500 children younger than 18 were in institutional care. The 2021 legislation that forbids placement of children up to three years of age in so-called infant care centers by 2025 led to a significant drop in the number of children placed in those institutions during the year.

The infant centers are government-funded institutions. Experts had criticized the centers for a variety of reasons, including their cost, quality of care, unavailability

of specialist care (e.g., from psychologists, psychiatrists, therapists), and the fact that children admitted to the centers must be separated from their parents to receive government assistance. In preparation for the closure of so-called infant care centers, authorities opened several centers during the year that offered support to parents, especially mothers who have difficulty taking care of their infants. As a result, these infants were no longer placed in institutionalized care. The government also increased support to foster parents. Nonetheless, experts claimed there was still a lack of preventive services in some regions to resolve problems related to housing and other issues before infants needed to be placed in care centers. Government data indicated that nearly half of infants in these care centers were Roma. Experts claimed poverty, reluctance of foster parents to care for Roma children, and general discrimination against Roma contributed to the problem. In March, the ombudsman found that children in the Vysocina children's home were treated badly and lived in a stressful and harmful environment. Based on the ombudsman's recommendation, the director of the facility resigned. The governor promised to provide maximum cooperation and support in ensuring increased psychological and therapeutic care for the children and staff of the facility. Subsequently, the ombudsman issued a report from a series of visits to 12 facilities for children ages three to 18 who could not be cared for by their biological or foster families. The report made systemic recommendations for improvements that were implemented.

## **Antisemitism**

There were approximately 10,000 Jews in the country, approximately 3,000 of whom are registered members of the Federation of Jewish Communities. Expressions of antisemitism in public were rare, but small, well-organized right-wing groups with antisemitic views were active. Antisemitic hate speech on the internet increased and constituted the vast majority of antisemitic incidents in the country. The Ministry of Interior continued to monitor the activities of such groups and cooperated with police from neighboring countries as well as the local Jewish community.

The Ministry of Interior recorded 37 criminal offenses related to antisemitism in 2021. The Federation of Jewish Communities reported 1,128 incidents with antisemitic motives in 2021, of which 98 percent were cases of hate speech on the

internet. The report included one case of physical assault, three cases of property damage, and five cases of threats or harassment.

In January, the district court in Zdar nad Sazavou convicted the publisher of a book on the grounds of denying the Holocaust and justifying genocide and imposed a fine of CZK 45,000 (\$1,800) to the publisher and CZK 15,000 (\$600) to its executive officer.

The government continued to implement the *2021-2026 Counterextremism and Hate Crime Strategy* that emphasizes communication, prevention, and education to curb extremism and combat hostility of radicals. The strategy also addresses extremism and hate crimes on the internet.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No laws criminalize consensual same-sex sexual conduct between adults.

**Violence against LGBTQI+ Persons:** NGOs identified 57 reports of homophobic hate crimes during the year, compared with 32 reports in 2021. Those reports included both verbal and physical attacks on LGBTQI+ individuals.

In December, four men verbally attacked two gay men in Brno using homophobic language and broke the arm of one.

In August, there was an anonymous bomb threat immediately prior to the start of the Prague Pride parade. Police resolved the issue quickly, and the event was not affected, with as many as 60,000 persons participating.

**Discrimination:** Laws prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, and it

recognizes LGBTQI+ individuals, couples, and their families, but the law does not provide equal rights. The law also prohibits discrimination against LGBTQI+ persons in housing, employment, and access to health care, and the government generally enforced the law. Experts continued to criticize the fact the country does not have specific hate crime provisions in its criminal code covering sexual orientation and gender identity. Laws allow registered partnerships of same-sex couples but not marriage. The law on victims of crimes covers lesbian, gay, bisexual, and transgender minorities, but they are not considered “particularly vulnerable persons” and are not entitled to additional legal protections, unlike children, seniors, victims of trafficking or terrorism, and, as of 2021, rape and domestic violence victims.

Registered partners cannot adopt a child together, and the judiciary does not recognize the adoption in a foreign country of a child by a same-sex couple. Moreover, the Constitutional Court rejected in 2021 a proposal of the regional court in Prague to abolish a part of the country’s civil legislation to allow such recognition.

NGOs reported that misleading associations of the monkeypox outbreak with the gay community and bisexual men created stigmatization.

In May, research conducted by the MindBridge Consulting agency showed that 65 percent of citizens in the country support legalization of same-sex marriage. In connection with the significant national debate on this issue, parliament began reviewing the second version of proposed legislation in June. Several members of parliament who opposed the measure proposed a constitutional change that would define marriage as between a man and a woman.

**Availability of Legal Gender Recognition:** The official change of gender is only available to persons who undergo gender reassignment surgery. Transgender individuals are required to be sterilized to obtain gender altering surgery and receive legal gender recognition. Gender altering surgery is allowed only for single or divorced persons who have a minimum of one year of hormonal therapy and “acting” as the desired gender.

### **Involuntary or Coercive Medical or Psychological Practices Specifically**

**Targeting LGBTQI+ Individuals:** Transgender individuals are required to be sterilized to obtain gender altering surgery and receive legal gender recognition. The Council of Europe found this practice contrary to EU member commitments on the protection of health. The ombudsman recommended that the government submit amendments to relevant laws to eliminate the sterilization requirement. In March, however, the Constitutional Court confirmed that the sterilization requirement was legal. In June, the complainant sent the case to the ECHR. The case was pending at the end of the year. A leading NGO found that many comments from high-level public figures related to discussions on obligatory sterilization of transgender persons were viewed as psychologically harmful to LGBTQI+ persons and as inciting hatred.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no such restrictions on those speaking out about LGBTQI+ issues or on the ability of LGBTQI+ organizations to legally register or convene events such as Pride.

**Persons with Disabilities**

Persons with disabilities faced problems accessing public buildings and public transportation on an equal basis with others. The country does not have a unified law governing access for disabled persons. Instead, pieces of legislation in various areas (education, transport, health, construction) contain accessibility provisions linked to technical or EU-approved standards. Experts reported that only buildings built since 2009 or modifications to older buildings require compliance with these standards, while access to older buildings posed a problem. A government working group was created to review the accessibility of government buildings by the end of the year. Its findings were to be reported in the first half of 2023.

Government communication was not always accessible, and the government often relied on the public television service to fill this gap. There was a general absence of videos in sign language and materials in easy-to-read formats for persons with intellectual or psychosocial disabilities on government websites. After a two-year delay, the government implemented in September an EU directive to make television broadcasting more accessible to persons with visual and hearing impairments. Persons with disabilities organizations criticized the law

implementing the directive, which reportedly includes loopholes for broadcasters.

The government continued implementing the *National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021-2025*, the seventh such plan since 1992.

The most recent survey of the ombudsman, in 2020, identified restrictions on disabled persons' legal capacity to make financial judgments and to vote as the most significant disability issues, calling them a "deprivation of rights." Nearly half of the persons with disabilities under guardianships had court restrictions on their voting rights. During the year, the ombudsman drew attention again to a persistent lack of comprehensive legal regulation of guardianship and supporting measures for adult persons with disabilities.

According to the law, only children with "significant" disabilities may attend segregated schools with specially trained teachers. Many children with disabilities were able to attend mainstream primary and secondary schools and universities, but funding for additional educational support, such as teaching assistants and equipment, remained insufficient.

In March, the NGO Spolu published results of its research on the ability of parents responsible for the care of children with special education to freely decide where their children should be educated. One-fifth of these parents received a suggestion or request from school personnel that their child should be transferred to another school. The most common inappropriate school practices included making attendance at school events outside of school contingent on being accompanied by a parent, making parents responsible for providing an assistant to an after-school club, or requiring the child to be moved to another school.

A survey conducted among public and private universities for the academic year 2020/21 showed a 350 percent increase in the number of enrolled students with special needs compared with 2011. Universities offered a full range of support measures, such as time compensation, individual teaching, personal and study assistance, spatial orientation, transcription, interpreting and note-taking services, to a greater extent than did primary and secondary educational institutions.

Research conducted in 2021 and during the year by the InIusticia NGO showed

that 76 percent of persons with disabilities faced some form of violence at some point in their lives, including verbal violence, intimidation, or threats of violence. A significant proportion of the respondents also reported experiencing physical or sexual assaults. A handful of victims reported the assaults to police.

Disability was among the most common grounds for alleged discrimination in cases submitted to the ombudsman in 2021. Of the 543 claims of discrimination filed with the ombudsman, 93 were based on alleged discrimination due to disability. In the courts, approximately 23 percent of equal treatment cases were based on claimed disability, making it the most frequently invoked grounds for claiming discrimination in 2020.

In July the Supreme Court confirmed a decision of a district court in Prague that had delivered the first-ever ruling on reasonable accommodation for a public service employee. The plaintiff, a prison educator with a physical disability, sought reassignment to a work location closer to his home due to negative effects to his health of a 180-mile commute. The court found that the employer's refusal to provide the accommodation amounted to discrimination on the grounds of disability and ordered the employer to cover lost wages and pay damages. The lower court had not determined the amount of compensation by the end of the year.

The Ombudsman's Office reported to the government in June that the restrictions imposed on the functioning of public authorities during the COVID-19 pandemic had a less favorable impact on persons with disabilities and recommended that the crisis management law be amended. The government promised to prepare a comprehensive revision of the crisis management legislation.

In November media reported the killing of a woman with disabilities and a related, controversial court decision from November 2021. A Prague court reduced to three years the sentence of a social worker who killed a resident of a home for persons with disabilities in Jindrichuv Hradec in January 2021. The social worker allegedly went to calm the woman but instead laid her down, twisted her arms, and pushed her on the chest until she fell unconscious and suffocated. Although a regional court sentenced the social worker to 10 years in prison for committing murder in September 2021, the appeals court subsequently reclassified the incident as killing by negligence. Observers questioned the justification of the second

verdict.

## **Other Societal Violence or Discrimination**

Persons with HIV and AIDS faced societal discrimination, although there were no reported cases of violence. HIV and AIDS were classified as a disability under the antidiscrimination law, which contributed to the stigmatization of and discrimination against HIV-positive individuals. Individuals with HIV or AIDS often preferred to keep their status confidential rather than file a complaint, which observers believed led to underreporting of the problem. The Czech AIDS Help Society reported most insurance companies did not provide health insurance to persons with HIV and AIDS. NGOs reported that some physicians refused to treat HIV-positive patients.

Fear, stigma, and basic misinformation continued to be grounds for discrimination and led to the exclusion of persons with HIV from both the private and working spheres and limited their employment opportunities. NGOs prepared a brochure for HIV-positive refugees from Ukraine that contained practical information regarding diagnosis and treatment, and regulations surrounding treatment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides workers with the right to form and join independent unions of their choosing without authorization or excessive requirements. The law provides for the right to associate freely for both citizens and foreign workers. Unions are apolitical and independent of the state, and the state may not interfere in their internal affairs. The minimum number of members needed to form a union is three.

The law allows collective bargaining. It prohibits antiunion discrimination and does not recognize union activity as a valid reason for dismissal. The law requires reinstatement of workers fired for union activity. Workers in most occupations have the legal right to strike if mediation efforts fail, and they generally exercised this right.



Strikes can be restricted or prohibited in essential service sectors, including health and social care facilities, fire brigades, public utility services, air traffic control, nuclear energy, and the oil and natural gas sector. Members of the armed forces, prosecutors, and judges may not form or join trade unions or strike. Only trade unions may legally represent workers, including nonmembers. When planning a strike, unions are required to inform employers in writing of the number of strikers and provide a list of the members of the strike committee or contact persons for negotiation. Strikes are permitted only in negotiations over collective agreements and can only be undertaken after mandatory mediation lasting at least 20 days. Unions must announce the strike at least three days in advance.

The law protects union officials from dismissal by an employer during their term of union service and for 12 months after its completion. To dismiss a union official, an employer must seek prior consent from the employee's unit within the union. If the union does not consent, the dismissal notice is invalid.

The government enforced applicable laws effectively and permitted unions to conduct their activities without interference. Government resources for remediation were adequate, and legal penalties in the form of fines were commensurate with those for similar violations. Penalties were regularly applied against violators.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced these prohibitions. Resources, inspections, and remediation were adequate. Penalties were commensurate with those for similar violations.

Men and women citizens of the country, as well as men and women from Bulgaria, Moldova, Mongolia, Nepal, Nigeria, the Philippines, Romania, Slovakia, Ukraine, Vietnam, and other countries were exploited in forced labor, typically through debt-based coercion or exploitation of other vulnerabilities. Such exploitation took place in the construction, agricultural, forestry, manufacturing, food processing, and service sectors, including in domestic work. Private labor agencies often used deceptive practices to recruit workers from abroad, as well as from inside the

country. For example, after arriving in the country, workers from abroad were given job offers that differed from what they had been promised prior to arrival. Their rejection of a job offer on these grounds typically meant they lost money invested in travel to the country and threatened their ability to support families and children who remained in their country of origin.

The law fines employers who allow or benefit from “disguised employment,” a system of sophisticated chains of supply contracts in which a company outsources work to a pseudo employment agency lacking necessary permits to provide such employment activities. The pseudo-agency provides workers – often foreigners without necessary work or residence permits or even Czech employees without proper contracts – the necessary insurance and protections. This system opens space for exploitation of workers or forced labor, since such workers are often in vulnerable positions. A fine of up to CZK 10 million (\$440,000) can be imposed on employers using “disguised employment” in addition to intermediaries facilitating such employment.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 15. Employment of children between the ages of 15 and 18 was subject to strict safety standards, limitations on hours of work, and the requirement that work not interfere with education.

The law permits children younger than 15 (or who have not completed mandatory elementary education) to work only in certain areas: cultural and artistic activities; advertising; product promotion; and certain modeling and sports activities. A child younger than 15 may work only if he or she obtains a positive health assessment from a pediatrician and prior approval by the Labor Office. Work permits for children are issued for 12 months. Resources, inspections, and remediation were adequate. The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. Penalties were commensurate with those for other violations and were regularly applied against violators. There were no confirmed reports during

the year of the worst forms of child labor.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit any kind of discrimination based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, sexual orientation or gender identity, HIV or AIDS status, or refugee or stateless status.

According to the ombudsman's report, discrimination at work accounted for the second largest number of complaints to the ombudsman in 2021 (approximately 22 percent). The Ombudsman's Office, for example, helped an employee after his employer refused to provide him with incentive pay because he was working beyond the mandatory pension age. In this case, the ombudsman's arguments contributed to the employer's decision to provide the incentive pay retroactively both to the complainant and to other employees who reached pension age.

The government effectively enforced the law. Penalties were commensurate with those for similar violations and were regularly applied against violators.

Inspection and remediation were sufficient to enforce compliance. The SBLI conducted checks for unequal treatment and discrimination in 2021 and imposed penalties for violations of discrimination laws, mostly for noncompliance with the requirement to employ a specific number of persons with disabilities, discrimination due to health conditions, gender, and age, or the publication of discriminatory job advertisements.

Women's salaries lagged behind men's by approximately 19 percent. The Ministry of Labor and Social Affairs continued using a testing tool for employers that evaluates gender pay gaps in an organization as part of the "22 percent towards equality" project. The testing tool highlights pay gaps and sensitizes management to disparities in remuneration.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. The minimum wage was above the "minimum subsistence cost," which is defined as the minimum amount needed to satisfy the

basic needs of a working-age adult for one month.

The SBLI detected 2,389 violations of wage and hour laws in 2021 and imposed penalties of CZK 11.6 million (\$457,000). Violations of wage, hour, and overtime laws were common in the wholesale, retail, food, hospitality, land transport, and construction sectors.

The law provides for a 40-hour workweek, two days of rest per week, and a 30-minute break during the standard eight-hour workday. Employees are entitled to at least 20 days of paid annual leave. Employers may require up to eight hours per week of overtime to meet increased demand but not more than 150 hours of overtime in a calendar year. Additional overtime is subject to the employee's consent. The labor code requires premium pay for overtime that is equal to at least 125 percent of average earnings.

**Occupational Safety and Health:** The government set occupational safety and health (OSH) standards that were appropriate for the country's main industries. OSH experts identified unsafe conditions, including lack of personal protective equipment against COVID-19 in addition to responding to workers' OSH complaints. The labor code requires employers to provide health and safety protections in the workplace, maintain a healthy and safe work environment, and prevent health and safety risks. Responsibility for identifying unsafe conditions remains with inspectors, who have the authority to make unannounced visits and initiate sanctions. Workers have the right to remove themselves from dangerous situations without jeopardy to their employment.

SBLI inspectors conducted checks for labor code compliance. The SBLI's labor inspection plan typically focused on sectors with high-risk working conditions, such as construction, agriculture, forestry, handling of hazardous chemicals, and transport.

There were 876 major industrial accidents in 2021, compared with 941 in 2020. Most major industrial accidents occurred in the agriculture, forestry, transport, construction, and processing industries. Fatal accidents were investigated. For example, when a construction worker died in 2021 after being injured during sewer line excavation work, the SBLI concluded the employer did not take adequate

organizational and technical measures to prevent the fatal injury and imposed a penalty.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced minimum wage, overtime, and OSH laws. Penalties for violations were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators.

Inspections for compliance with the minimum wage and hour laws were one of the primary objectives of SBLI inspectors. While SBLI inspectors have the authority to make unannounced inspections and initiate sanctions, they are not responsible for enforcement of wage and hour laws. Employees can seek enforcement of wage and hour laws through judicial recovery. Observers reported judicial recovery could be very lengthy and hard to get, especially for foreign workers.

Inspection and remediation were sufficient to enforce general compliance. SBLI regularly imposed penalties that were commensurate with those for similar violations.